

**CHAPTER NO. 1054**

**SENATE BILL NO. 342**

**By Haynes**

Substituted for: House Bill No. 1783

By Odom, McMillan

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 17, Part 1, relative to removal of safety devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) (1) It is an offense for any person to knowingly and intentionally remove, disconnect, alter or cause to have removed, disconnected or altered a warning, guard or other safety device from any machine, tool or other implement and as a result of such action another person suffers bodily injury or death. For purposes of this section, "machine, tool or other implement" shall not include:

(1) any item of equipment or device being used for agricultural, forestry purposes, or lawn and garden care purposes; or

(2) any item being used for home improvements or maintenance by a person not engaged in commercial activities.

(a) (2) It is not an offense to knowingly and intentionally remove, disconnect, alter or cause to have removed, disconnected or altered a warning, guard or other safety device under the provisions of subdivision (1) if such a warning, guard or other safety device is removed, disconnected or altered:

(A) with the sole and intended purpose of improving safety in accordance with accepted industry safety standards; or

(B) when a machine, tool or other implement is redesigned to manufacture a product or products substantially different than it was originally designed, and the warning, guard or other safety device is replaced with a warning, guard or other safety device with equal or improved effectiveness relative to accepted industry safety standards.

(b) A violation of this section is a Class A misdemeanor punishable only by fine of not more than two thousand five hundred dollars (\$2,500).


(c) Evidence of a criminal conviction under this act shall not be admissible in a subsequent action against the employer filed by the employee involving a workplace injury or death.

(d) Neither a conviction or a failure to obtain a conviction under this section shall preclude any other action authorized by law with respect to conduct in controversy under subsection (a).

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

**PASSED: May 1, 1998**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 18<sup>th</sup> day of May 1998**

  
DON S. QUIST, GOVERNOR